

Remarks

This Application has been carefully reviewed in light of the Office Action mailed August 9, 2006 ("Office Action"). Claims 1-28 are pending in the Application. The Office Action rejects Claims 9-15. Applicant respectfully requests reconsideration and favorable action in this case.

Allowable Subject Matter:

Applicant appreciates the indication in the Office Action that Claims 1-8 and 16-28 are allowed.

Rejections under U.S.C. § 102:

The Office Action rejects Claims 9-11 and 14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2002/0097739 by Chen et al. ("*Chen*"). The Office Action rejects Claims 12, 13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Chen* in view of U.S. Patent No. 6,862,294 to Hann et al. ("*Hann*"). Applicant respectfully traverses these rejections.

Independent Claim 9 is allowable at least because *Chen* fails to disclose, expressly or inherently, "transferring the multicast data over **the common bus** to the selected digital subscriber line chipsets after selection and enabling of the two or more of the plurality of digital subscriber line chipsets." The Office Action relies on Figure 12 and Claims 1 and 2 of *Chen* to disclose these limitations. These references, however, specifically disclose that a plurality of modems are used to transfer the audio/video channel to a plurality of digital subscriber lines, **but does not disclose the use of a common bus for the transfer of the multicast data.** See *Chen*, Fig. 12, Page 7, Claim 1 - Page 8, Claim 2. Specifically, Claims 1 and 2 of *Chen*, which were relied on in the Office Action along with Fig. 12, disclose:

1. A local switch for use in a broadband telecommunications system, comprising:
 - a) a trunk interface for coupling the switch to an optical network carrying a plurality of audio/video channels; and
 - b) a plurality of line cards coupled to said trunk interface,
each line card having a plurality of dsl modems for coupling to a plurality of digital subscribers lines,
each line card having multicasting means for replicating an audio/video channel being transmitted on one digital subscriber line coupled

to the card for transmission on the same or another digital subscriber line coupled to the card.

2. A local switch according to claim 1, further comprising:

c) a switch controller coupled to said trunk interface and to said line cards, wherein

said switch controller routes selected audio/video channels from said trunk interface to said line cards.

(emphasis added). That is, the audio/video channels are transferred to the digital subscriber lines using a plurality of dsl modems, **not a common bus**. Furthermore, the trunk interface of the reference merely routes the audio/video channels to each line card, and thus, this could not be alleged to meet the above limitation; it is the line cards that transfer the audio/video channels to the digital subscribers. Therefore, *Chen* clearly fails to disclose, expressly or inherently, “transferring the multicast data **over the common bus** to the selected digital subscriber line chipsets after selection and enabling of the two or more of the plurality of digital subscriber line chipsets.”

For at least this reason, Independent Claim 9 is allowable, as are Claims 10-15 that depend therefrom. Reconsideration and favorable action are requested.

Dependent Claims 10, 11, and 14 are allowable also at least because *Chen* fails to disclose, expressly or inherently, the additional limitations recited by Claims 10, 11, and 14. In fact, the Office Action fails to address the limitations of Claims 10, 11, and 14, alleging disclosure in *Chen* of only the limitations of Independent Claim 9. Therefore, Applicant notes that any assertion of the disclosure of the limitations of Claims 10, 11, and 14 by *Chen* or *Hann* would have to occur in a non-final Office Action. Reconsideration and favorable action are requested.

CONCLUSION

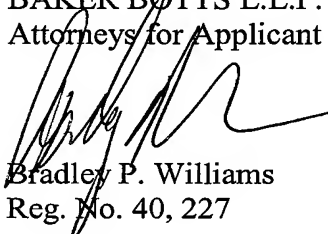
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicant believes no fee is due. However, the Commissioner is hereby authorized to charge any additional fee or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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